



ESKANOS & ADLER
Attorneys at Law

CAP517 098573-2 OR3
LARRY F LEE
460 4TH ST
BLAINE WA 982305117

Mark Office
2325 Clayton Road
Concord, CA
94520
Phone 800-364-9919
Fax 925-969-1812

Janet Brown
Stelios A. Harris
Martin Hoffmann, LL.M.
Kurtiss Jacobs, LL.M.
Ann K. Merrill
Calvin S. Rose
Donald Stubbins
Arthur Tessimond
Jerome M. Yalon, Jr.

Michael Connolly
Aaron McLellan
Donna J. Smith
Washington
Michael Connolly
Donna J. Smith
Nevada
Sarah De La Rosa
Darcy K. Houghton
Of Counsel

Oregon
Arizona
Sarah De La Rosa
Colorado
Rachel A. Michael
Massachusetts
Arthur Tessimond
New Hampshire
Arthur Tessimond
Georgia
James Branton

R17

PRIN	Donna J. Smith	8,765.39
INT		449.53
FEES		.00
COSTS		.00
OTHER		.00
JUDG INT		.00
TOTAL		9,214.92

05/21/08

RE: 5291151796513016

/CAPITAL ONE

THIS LETTER WILL ACKNOWLEDGE THAT OUR OFFICE HAS AGREED TO ACCEPT PAYMENT ARRANGEMENTS ON THE OUTSTANDING BALANCE DUE ON THE ACCOUNT REFERENCED ABOVE. THE FIRST PAYMENT OF \$2,000.00 IS DUE ON OR BEFORE 05/20/08. SUBSEQUENT PAYMENTS IN THE SUM OF

\$350.00 WILL BE DUE ON THE 30th OF EACH AND EVERY MONTH THEREAFTER UNTIL THE BALANCE IS PAID IN FULL.

PLEASE SEND YOUR PAYMENT WITHIN SUFFICIENT TIME SO THAT IT IS ASSURED IT WILL BE RECEIVED IN OUR OFFICE BY THE DUE DATE. THANK YOU FOR YOUR COOPERATION IN PAYING THIS ACCOUNT AS AGREED. THIS IS A COMMUNICATION FROM A DEBT COLLECTOR. ALL INFORMATION OBTAINED WILL BE USED FOR THE PURPOSE OF COLLECTING A DEBT.

VERY TRULY YOURS,

ESKANOS & ADLER
A PROFESSIONAL CORPORATION


ATTORNEY FOR THE FIRM

PLEASE MAIL ALL PAYMENTS TO 2325 CLAYTON ROAD, CONCORD, CA 94520.

Exhibit "A"

E S K A N O S & A D L E R
2325 Clayton Road • Concord • Attorneys at Law
CA 94520-2104



ESKANOS & ADLER
Attorneys at Law

CAP517 098573-2 OR3 44
 LARRY F LEE
 460 4TH ST
 BLAINE WA 982305117

Main Office	California	Oregon	Arizona
2325 Clayton Road	Janet Brown	Michael Connolly	Sarah De La Rosa
Concord, CA	Stefios A. Harris	Aaron McLellan	Colorado.
94520	Martin Hoffmann, LLM	Donna J. Smith	Rachel A. Michael
Phone 800-364-9919	Kurtiss Jacobs, LLM	Washington	Massachusetts
Fax 925-969-1812	Ann K. Mercill	Michael Connolly	Arthur Tessimond
	Calvin S. Rose	Donna J. Smith	New Hampshire
	Donald Stebbins	Nevada	Arthur Tessimond
	Arthur Tessimond	Sarah De La Rosa	Georgia
	Jerome M. Yalon, Jr.	Darcy K. Houghton	James Branton
		Of Counsel	
		Idaho	
		Donna J. Smith	

PRIN	6,765.39
INT	496.23
FEES	.00
COSTS	.00
OTHER	.00
JUDG INT	.00
TOTAL	7,261.62
06/11/08	

RE: 5291151796513016

/CAPITAL ONE

THIS LETTER IS SIMPLY TO REMIND YOU THAT YOUR PAYMENT ON THE ABOVE REFERENCED ACCOUNT IS DUE ON 06/25/08 IN THE SUM OF \$ 350.00 . IF WE HAVE AGREED TO MONTHLY PAYMENTS AS INDICATED ABOVE, THIS IS YOUR WRITTEN CONFIRMATION OF SUCH AGREEMENT.

PLEASE SEND YOUR PAYMENT WITHIN SUFFICIENT TIME SO THAT IT IS ASSURED IT WILL BE RECEIVED IN OUR OFFICE BY THE DUE DATE. THANK YOU FOR YOUR CO-OPERATION IN PAYING THIS ACCOUNT AS AGREED. THIS IS A COMMUNICATION FROM A DEBT COLLECTOR. ALL INFORMATION OBTAINED WILL BE USED FOR THE PURPOSE OF COLLECTING A DEBT.

VERY TRULY YOURS,

ESKANOS & ADLER
 A PROFESSIONAL CORPORATION



ATTORNEY FOR THE FIRM

Exhibit "B"

REGIONAL OFFICES

TEMPE, AZ
AGOURA HILLS, CA
CONCORD, CA
DENVER, CO
WILMINGTON, DE
BOCA RATON, FL
ATLANTA, GA
ROCKVILLE, MD
NOVI, MI
MINNETONKA, MN
CHARLOTTE, NC
CARSON CITY, NV
ROCHESTER, NY

MANN BRACKEN LLC

(A National Collection Attorney Network Firm)

2325 CLAYTON ROAD
CONCORD, CA 94520

THE SUCCESSOR BY MERGER TO WOLPOFF & ABRAMSON, LLP AND ESKANOS & ADLER, P.C.

(TOLL FREE)

800-364-9919

FACSIMILE

925-969-1812

REGIONAL OFFICES
INDEPENDENCE, OH
PORTLAND, OR
CAMP HILL, PA
PITTSBURGH, PA
CLINTON, TN
NASHVILLE, TN
HOUSTON, TX
IRVING, TX
SAN ANTONIO, TX
FAIRFAX, VA
RICHMOND, VA
VIENNA, VA
VIRGINIA BEACH, VA

PLEASE DIRECT CORRESPONDENCE TO CONCORD OFFICE

CAP517 098573-2
LARRY F LEE
460 4TH ST
BLAINE WA 982305117

OR3 R06

	07/16/08
PRIN	6,415.39
INT	571.76
COSTS	.00
FEES	.00
OTHER	.00
JUDG INT	.00
TOTAL	6,987.15

RE: 5291151796513016

/CAPITAL ONE

PLEASE CONTACT THIS OFFICE REGARDING THE ABOVE ACCOUNT
TO DISCUSS A RESOLUTION OF THE ACCOUNT ON A VOLUNTARY BASIS.

THIS IS A COMMUNICATION FROM A DEBT COLLECTOR. ALL INFORMATION OBTAINED
WILL BE USED FOR THE PURPOSE OF COLLECTING A DEBT.

VERY TRULY YOURS,

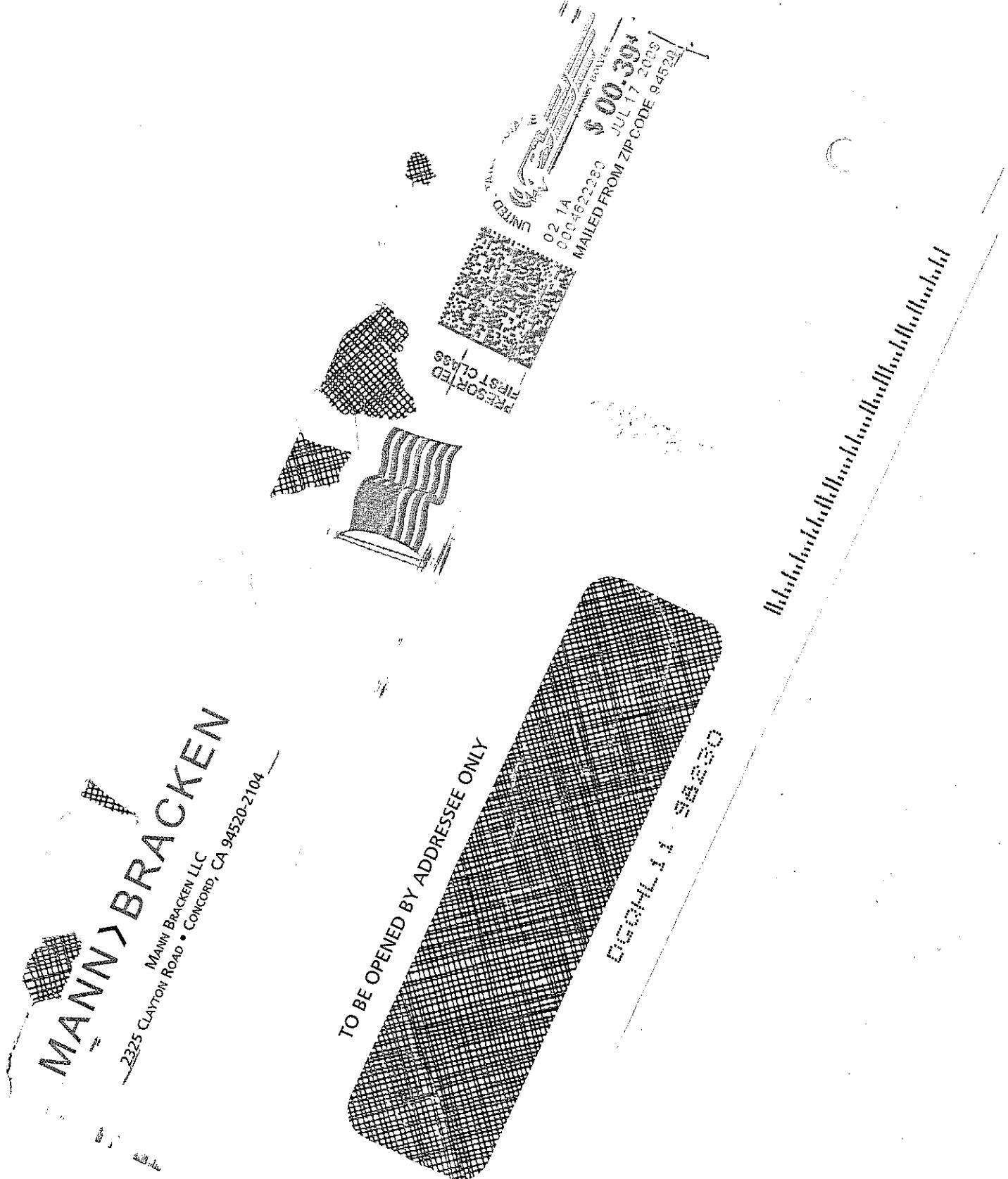
MANN BRACKEN LLC

ATTORNEY FOR THE FIRM

PLEASE CONTACT US AT ONCE BY CALLING OUR TOLL FREE NUMBER
1-800-364-9919 ext.3120.

Exhibit "C"

file #:098573-2



IN THE
SUPERIOR COURT, IN AND FOR THE COUNTY OF WHATCOM, STATE OF WASHINGTON

CAPITAL ONE BANK (USA), N.A.,

Hearing Date:

Plaintiff/Petitioner

CAUSE NO:

vs.
LARRY F. LEE

DECLARATION OF SERVICE OF:
SUMMONS AND COMPLAINT FOR MONEY DUE & OWING

Defendant/Respondent

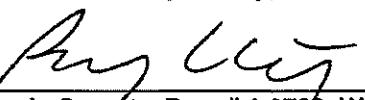
The undersigned hereby declares: That s/he is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the **21st day of July, 2008**, at **7:45 PM**, at the address of **460 4TH Street, BLAINE, Whatcom County, WA 98230-5117**; this declarant served the above described documents upon **LARRY F LEE**, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with **LARRY F LEE, NAMED DEFENDANT, A male approx. 40-45 years of age 5'8"-5'10" in height weighing 180-200 lbs with black/brown hair and glasses**, a person of suitable age and discretion residing at the respondent's usual place of abode listed above.

No Information was provided or discovered that indicates that the subjects served are members of the U.S. military.

Declarant hereby states under penalty of perjury under the laws of the State of Washington that the statement above is true and correct.

DATED this **22nd day of July, 2008**.



William LeCompte, Reg. # 1-3792, Whatcom, WA



FOR: Mann Bracken, LLC (WA)
REF: 098573-2/OR3

ORIGINAL PROOF OF
SERVICE

Tracking #: 5342103 SEA



Exhibit "D"

SUPERIOR COURT OF WASHINGTON
FOR WHATCOM COUNTY

14 CAPITAL ONE BANK (USA),)
15 N.A.) Case No.
16)
17 Plaintiff,) SUMMONS (20 days)
18 vs.)
19 LARRY F. LEE)
20)
21)
22)
23)
24)
25)
Defendant(s).)

)

TO THE DEFENDANT(S): LARRY F. LEE

A lawsuit has been started against you in the above entitled court by CAPITAL ONE BANK (USA), N.A.

plaintiff. Plaintiff's claim is stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing, and by serving

Page 1

file #:098573-2

SUMMONS

Exhibit "E"

COPY

Donna Smith or Michael Connolly
Eskanos & Adler, P.C.
11124 NE Halsey, PMB 680
Portland, OR 97220
(800) 364-9919

a copy upon the person signing this Summons within 20 days after the service of this Summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is where plaintiff is entitled to what it asks for because you have not responded. If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before a default judgment may be entered.

You may demand that the Plaintiff file this lawsuit with the Court. If you do so, the demand must be in writing and must be served upon the Plaintiff. Within 14 days after you serve the demand, the Plaintiff must file this lawsuit with the Court or service on you of this Summons and Complaint will be void.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

This Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State of Washington.

Date: JUN 06 2009

ESKANOS & ADLER, P.C.

/s/ Michael Connolly

Donna Smith, WSBA #37336
Michael Connolly, WSBA #39085
Attorney for Plaintiff
11124 NE Halsey #680
Portland, OR 97220
(800) 364-9919

Page 2

file #:098573-2

SUMMONS

Donna Smith or Michael Connolly
Eskanos & Adler, P.C.
11124 NE Halsey, PMB 680
Portland, OR 97220
(800) 364-9919

SUPERIOR COURT OF WASHINGTON

FOR WHATCOM COUNTY

CAPITAL ONE BANK (USA),) Case No.
N.A.)
vs. Plaintiff,) COMPLAINT FOR MONIES DUE
LARRY F. LEE) AND OWING
Defendant(s).)

Plaintiff alleges as follows:

FIRST CAUSE OF ACTION

1. Plaintiff CAPITAL ONE BANK (USA), N.A.

is a business organization authorized to conduct business in the State of Washington.

2. Defendant(s), LARRY F. LEE

is/are resident(s) of WHATCOM County,
Washington.

Page 1

file #:098573-2

COMPLAINT FOR MONIES DUE AND OWING

Donna Smith or Michael Connolly
Eskanos & Adler, P.C.
11124 NE Halsey, PMB 680
Portland, OR 97220
(800) 364-9919

copy

3. At all times relevant to this action, Plaintiff had in
4 effect its credit account on which Defendant(s) was/were and
5 continues to be the primary obligor on that account.

6. Defendant(s) are indebted to Plaintiff on the aforesaid
7 account in the principal amount of \$ 6,765.39 , together with
8 interest at the rate of 012.00% per annum from 12/17/07. Despite
9 repeated requests for payment, Defendant(s) have refused or otherwise
10 failed to pay the account balance due and owing, or any
11 part thereof, and Defendant(s) is/are now in default under the
12 terms and conditions of the agreement.

13. Plaintiff is entitled to judgment against Defendant(s) in
14 the principal amount of \$ 6,765.39 , together with costs,
15 interest at the rate of 012.00 % per annum from 12/17/07, and
16 reasonable attorney's fees.

18 SECOND CAUSE OF ACTION

19. Plaintiff realleges paragraphs 1-5 of Plaintiff's First
20 Cause of Action.

21. Plaintiff established a credit account for Defendants' use.

22. Defendant(s) has/have made purchases and/or taken cash
23 advances through the use of the aforementioned account but have
24 failed to pay for those purchases and/or cash advances.

25. There is presently due and owing from Defendant(s) to
26 Plaintiff the principal sum of \$ 6,765.39 , together with
27 costs, interest at the rate of 012.00% per annum from 12/17/07,
28 and attorney's fees.

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10. Plaintiff is entitled to judgment against Defendant(s) in
the principal amount of 6,765.39 , together with costs,
interest at the rate of 012.00% per annum from 12/17/07, and
reasonable attorney's fees.

7
8
9
WHEREFORE, Plaintiff prays for a judgment against the
above-named Defendant(s) as follows:

10
11
1. For the principal sum of \$ 6,765.39 , plus interest
at the rate of 012.00% per annum from 12/17/07.

12
13
2. Its costs and disbursements incurred in this action and
reasonable attorney's fees.

14
15
3. Such other further and equitable relief as the Court finds
just and proper.

16
17 JUN 06 2009

18 DATED: _____

19
20
21 ESKANOS & ADLER, P.C.

22
23 /s/ Michael Connolly

24
25
26
27
28
Donna Smith, WSBA #37336
Michael Connolly, WSBA #39085
Attorney for Plaintiff
11124 NE Halsey #680
Portland, OR 97220
(800) 364-9919

TEMPE, AZ
AGOURA HILLS, CA
CONCORD, CA
DENVER, CO
WILMINGTON, DE
BOCA RATON, FL
ATLANTA, GA
ROCKVILLE, MD
NOVI, MI
MINNETONKA, MN
CHARLOTTE, NC
CARSON CITY, NV
ROCHESTER, NY

Attorneys in the Practice of Debt Collection
(A National Collection Attorney Network Firm)
2325 CLAYTON ROAD
CONCORD, CA 94520

AUG 25 2000

THE SUCCESSOR BY MERGER TO WOLPOFF & ABRAMSON, LLP AND ESKANOS & ADLER, P.C.

(TOLL FREE)

800-364-9919

FACSIMILE

925-969-1812

REGIONAL OFFICES
INDEPENDENCE, OH
PORTLAND, OR
CAMP HILL, PA
PITTSBURGH, PA
CLINTON, TN
NASHVILLE, TN
HOUSTON, TX
IRVING, TX
SAN ANTONIO, TX
FAIRFAX, VA
RICHMOND, VA
VIENNA, VA
VIRGINIA BEACH, VA

PLEASE DIRECT CORRESPONDENCE TO CONCORD OFFICE

CAP517 098573-2 WA3 R06
LARRY F LEE
460 4TH ST
BLAINE WA 982305117

07/31/08

PRIN	6,065.39
INT	602.35
COSTS	.00
FEES	.00
OTHER	.00
JUDG INT	.00
TOTAL	6,667.74

RE: 5291151796513016

/CAPITAL ONE

PLEASE CONTACT THIS OFFICE REGARDING THE ABOVE ACCOUNT
TO DISCUSS A RESOLUTION OF THE ACCOUNT ON A VOLUNTARY BASIS.

THIS IS A COMMUNICATION FROM A DEBT COLLECTOR. ALL INFORMATION OBTAINED
WILL BE USED FOR THE PURPOSE OF COLLECTING A DEBT.

VERY TRULY YOURS,

MANN BRACKEN LLC

ATTORNEY FOR THE FIRM

PLEASE CONTACT US AT ONCE BY CALLING OUR TOLL FREE NUMBER
800-364-9919 ext 3120.

Exhibit "F"

file #:098573-2

Larry F. Lee
460 - 4th Street
Blaine, WA 98230

biv
AUG 25 2008

8/4/08

Eskanos & Adler, P.C.
Donna Smith or Michael Connolly
11124 NE Halsey, PMB 680
Portland, OR 97220

098573-2

Dear Ms. Smith or Mr. Connolly,

Please let me know if you take any further action with the papers that I have received. If you do, please contact me at the address above.

Sincerely,

Larry F. Lee

Larry F. Lee

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <i>X A. Sanchez</i></p> <p>B. Received by (Printed Name) <i>Andrew Sanchez</i></p> <p>C. Date of Delivery <i>8/4/08</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to: <i>ESKANOS + ADLER, P.C. DONNA SMITH OR MICHAEL CONNOLY 11124 NE HALSEY, PMB 680 PORTLAND, OR 97220</i></p>		<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>2. Article Number <i>(Transfer from service label)</i> <i>7007 2680 0002 9866 3662</i></p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<small>PS Form 3811, February 2004 Domestic Return Receipt 100-0000000000000000</small>			

Exhibit "G"

REGIONAL OFFICES

TEMPE, AZ
AGOURA HILLS, CA
CONCORD, CA
DENVER, CO
WILMINGTON, DE
BOCA RATON, FL
ATLANTA, GA
ROCKVILLE, MD
NOVI, MI
MINNETONKA, MN
CHARLOTTE, NC
CARSON CITY, NV
ROCHESTER, NY
INDEPENDENCE, OH

Case 2:09-cv-00985-RSM

LAW OFFICES
Document 1-24545 Filed 07/14/2009

Page 14 of 26

Attorneys in the Practice of Debt Collection
(A National Collection Attorney Network Firm)
11124 NE HALSEY, PMB 680
PORTLAND, OR 97220

THE SUCCESSOR BY MERGER TO WOLPOFF & ABRAMSON, LLP AND ESKANOS & ADLER, P.C.

(TOLL FREE)
800-364-9919

FACSIMILE
503-262-6830

REGIONAL OFFICES
PORTLAND, OR
CAMP HILL, PA
PITTSBURGH, PA
CLINTON, TN
NASHVILLE, TN
HOUSTON, TX
IRVING, TX
SAN ANTONIO, TX
FAIRFAX, VA
RICHMOND, VA
VIENNA, VA
VIRGINIA BEACH, VA

PLEASE DIRECT CORRESPONDENCE TO PORTLAND OFFICE

March 20, 2009

Larry F. Lee
460 1st St.
Blaine WA 98230

Re: Capital One v. Lee
Case No. 08-2-03126-4

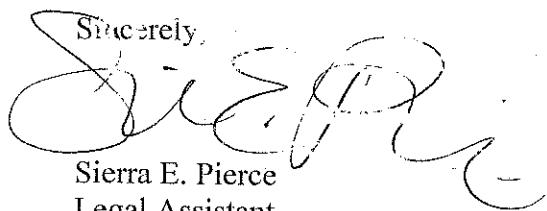
Dear Mr. Lee:

I am writing this letter to inform you that the above referenced case was filed on December 10, 2008. The case number is listed above.

If you wish to discuss settling this matter, please contact our office in fifteen (15) days from the date of this letter.

I look forward to hearing from you.

Sincerely,



Sierra E. Pierce
Legal Assistant
(800)364-9919 x3161

I AM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION WILL BE USED FOR THAT PURPOSE.

Exhibit "H"

MANN > BRACKEN

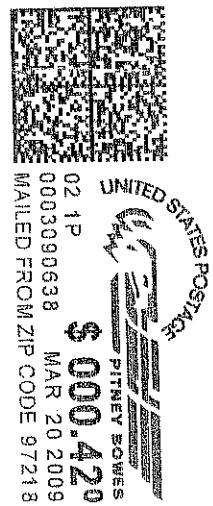
MANN BRACKEN LLP

11124 NE HALSEY ST STE 680 • PORTLAND, OR 97220-2021

ADDRESS SERVICE REQUESTED

TO BE OPENED BY ADDRESSEE ONLY

SECURITY CODE



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28FILED
COUNTY CLERKSCANNED 2

2009 MAR 26 PM 12:22

WHATCOM COUNTY
WASHINGTONBY (B)SUPERIOR COURT OF WASHINGTON
FOR WHATCOM COUNTY

CAPITAL ONE BANK (USA), N.A.

Cause No. 08-2-03126-4

Plaintiff/Petitioner,

vs.

NOTE FOR MOTION DOCKET

LARRY F. LEE,

Defendant/Respondent.

(Clerk's Action Required)

NATURE OF PROCEEDINGS: Note for Motion for Default and Default JudgmentTO: LARRY F. LEE
460 4TH ST
BLAINE, WA 98230

AND TO: THE CLERK OF THE ABOVE ENTITLED COURT

PLEASE TAKE NOTICE that the above matter will be brought on for hearing to be set on the
8th day of MAY, 2009, at 1:30PM in Whatcom County Superior Court, and the Clerk is requested to note
this cause on the motion docket for that date.DATED: MAR 23 2009Signature
Donna Smith WSBA 31336
Michael Connolly WSBA 39085

NOTE FOR MOTION DOCKET - 1

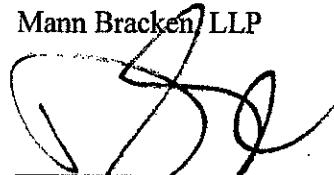
ORIGINALX
Mann Bracken, LLP
Donna J. Smith/ Michael Connolly
11124 NE Halsey #680
Portland, Oregon 97220
800-364-9919 x3063; FAX 503-262-6830

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Certificate of Service and Declaration of Mailing
6
7

I HEREBY CERTIFY under penalty of perjury of the laws of the State of Washington
that on 3/24/09 I placed in the US Mail in Portland, Oregon, postage
prepaid, a true and correct of the above NOTE FOR MOTION DOCKET addressed to:

11
12 Larry F. Lee
13 460 4th St
Blaine, WA 98230

14
15
16 Mann Bracken LLP
17
18



Donna J. Smith, WSBA 37336
Michael Connolly, WSBA 39085

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NOTE FOR MOTION DOCKET – 2

Mann Bracken, LLP
Donna J. Smith/ Michael Connolly
11124 NE Halsey #680
Portland, Oregon 97220
800-364-9919 x3063; FAX 503-262-6830

FILED SCANNED
COUNTY CLERK

2009 MAR 26 PM 12:22

WHATCOM COUNTY
WASHINGTON

BY (B)

SUPERIOR COURT OF WASHINGTON

FOR WHATCOM COUNTY

CAPITAL ONE BANK (USA),
N.A.) Case No. 08-2-03126-4
)
Plaintiff,) MOTION AND DECLARATION FOR
vs.) ORDER OF DEFAULT AND DEFAULT
LARRY F. LEE) JUDGMENT
Defendant(s).)
-----)

I. MOTION

Plaintiff, by and through its attorney of record, moves the Court for an Order of Default and an entry of Default Judgment against the Defendant(s) LARRY F. LEE

, in the principal sum of
\$ 6,765.39 plus interest at the rate of 012.00 % per annum
from 12/17/07 to entry of judgment, together with attorney's
fees, court costs, as requested in the Judgment.

Page 1

file #:098573-2 WD1

MOTION AND DECLARATION FOR ORDER OF DEFAULT AND DEFAULT JUDGMENT

Donna Smith or Michael Connolly

MANN BRACKEN LLP

11124 NE Halsey, PMB 680

Portland, OR 97220

(800) 364-9919 ext 3165

ORIGINAL

1 This motion is based on the record and files herein and
 2 affidavits or declarations in support of entry of judgment
 3 submitted herewith and the subjoined declaration of counsel.
 4

5 II. DECLARATION

6 The undersigned declares under penalty of perjury under the
 7 laws of the State of Washington that the following is true and
 8 correct:

9 1. I am the attorney of record for Plaintiff herein. I
 10 base this declaration on my review of the file maintained by
 11 this law firm with regard to this matter.

12 2. The Defendant(s) was/were served with the Summons and
 13 Complaint on 07/21/08 by personal service within Washington
 14 State. The Affidavit/Declaration of Service is on file with
 15 the Court and a copy is attached hereto as "Exhibit A".

16 3. More than twenty (20) days have elapsed since the
 17 Defendant(s) was/were served and the Defendant(s) has/have
 18 failed to answer or otherwise defend against Plaintiff's
 19 Complaint.

20 4. The basis for venue is that the Defendant(s) reside(s)
 21 within the county.

22 5. Defendant(s) is/are not an infant or incompetent nor a
 23 person in the Military Service of the United States, as defined
 24 in the Soldier's and Sailor's Civil Relief Act of 1940 as
 25 amended by the Service Members Civil Relief Act of 2003.
 26 Attached as an addendum is the information that the above
 27 statement is base upon. Declarant is unable to determine
 28

Page 2

file #:098573-2 WD2

MOTION AND DECLARATION FOR ORDER OF DEFAULT AND DEFAULT JUDGMENT
 Donna Smith or Michael Connolly
 MANN BRACKEN LLP
 11124 NE Halsey, PMB 680
 Portland, OR 97220
 (800) 364-9919 ext 3165

1
2 statement is based upon. Delcarant is unable to determine
3 at this time if Defendant(s) is/are a dependent of a service
4 member in the military service.
5

6 6. Plaintiff has retained Mann Bracken LLP on the
7 basis of a contingent fee of all sums collected. The rate that
8 our office has with Plaintiff is a competitive rate, negotiated
9 with Plaintiff after considering competitive bids from other
10 firms contingent fee is proprietary information which we would
11 prefer not to disclose in public records. We believe that our
12 contingent fee percentage is a "reasonable attorney's fee"
13 because it is based upon competitive prices between our firm
14 and Plaintiff.
15

16 7. If, in the alternative, the local rules require or the
17 Judge feels that the fees should be based on the amount of time
18 actually expended, I calculate, on average, for collection cases
19 of this type, to date, including preparation of this Declaration,
20 hours of paralegal's time have been spent on this matter,
21 including opening the file, reviewing the claim material and
22 correspondence to Defendant(s) (.3 hr. attorney, 1.0 hr.
23 paralegal), conversations and/or correspondence with the client
24 and/or with the Defendant(s) and/or with the Defendant(s)
25 attorney (1.0 jr. paralegal), preparation and review of the
26 pleading (.5 hr. attorney, 2.0 hr. paralegal). Our office's
27 usual and customary hourly rate for matters of this type is
28

\$195.00 per hour for attorney's and \$75.00 per hour for paralegal time. This computes to a fee of \$500.00, which figure is reasonable and should be awarded to Plaintiff.

I declare under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

DATED: MAR 23 2009 at Portland, Oregon.

MANN BRACKEN LLP

Donna Smith, WSBA #37336
Michael Connolly, WSBA #39085
Attorney for Plaintiff
11124 NE Halsey #680
Portland, OR 97220
(800) 364-9919

Page 4

file #:098573-2 WD4

NOTION AND DECLARATION FOR ORDER OF DEFAULT AND DEFAULT JUDGMENT

Donna Smith or Michael Connolly
MANN BRACKEN LLP
11124 NE Halsey, PMB 680
Portland, OR 97220
(800) 364-9919 ext 3165

IN THE
SUPERIOR COURT, IN AND FOR THE COUNTY OF WHATCOM, STATE OF WASHINGTON

CAPITAL ONE BANK (USA), N.A.,

Hearing Date:

Plaintiff/Petitioner

CAUSE NO:

vs.
LARRY F. LEE

DECLARATION OF SERVICE OF:
SUMMONS AND COMPLAINT FOR MONEY DUE & OWING

Defendant/Respondent

The undersigned hereby declares: That s/he is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

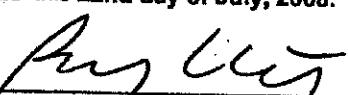
On the 21st day of July, 2008, at 7:45 PM, at the address of 460 4TH Street, BLAINE, Whatcom County, WA 98230-5117; this declarant served the above described documents upon LARRY F LEE, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with LARRY F LEE, NAMED DEFENDANT, A male approx. 40-45 years of age 5'8"-5'10" in height weighing 180-200 lbs with black/brown hair and glasses, a person of suitable age and discretion residing at the respondent's usual place of abode listed above.

No information was provided or discovered that indicates that the subjects served are members of the U.S. military.

Declarant hereby states under penalty of perjury under the laws of the State of Washington that the statement above is true and correct.

DATED this 22nd day of July, 2008.

EXHIBIT A


William LeCompte, Reg. # 1-3792, Whatcom, WA



FOR: Mann Bracken, LLC (WA)
REF: 098573-2/OR3

ORIGINAL PROOF OF
SERVICE

Tracking #: 5342103 SEA



Department of Defense Manpower Data Center

JAN-09-2009 09:30:05



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
LEE	LARRY F		Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.	

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

Mary M. Snavely-Dixon

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: OTSCDMYONY

098573-2

CAPITAL ONE BANK (USA), N.A.,
Plaintiff,

v.

LARRY F LEE
Defendant(s).

FILED
 COUNTY CLERK
 2009 MAR 26 PM 12:22

SCANNED

WHATCOM COUNTY
 WASHINGTON

BY

08-2-03126-1

AFFIDAVIT

The undersigned, being duly sworn, makes the following oath:

1. I am over 18 years old and competent to make this affidavit. I am an authorized agent of Plaintiff **CAPITAL ONE BANK (USA), N.A.** ("Capital One") for purposes of this affidavit. I am duly authorized to make this affidavit, and because of the scope of my job responsibilities, I am familiar with the manner and method by which Capital One maintains its normal business books and records, including computer records of defaulted accounts.

2. These books and records are made in the course of regularly conducted business activity (1) at or near the time the events they purport to describe occurred, by a person with knowledge of the acts and events, or (2) by a computer or other similar digital means, which contemporaneously records an event as it occurs. The contents of this affidavit are believed to be true and correct based upon my personal knowledge of the processes by which Capital One maintains its business books and records.

3. The books and records of Capital One show that Defendant(s) opened an account with Capital One for the purpose of obtaining an extension of credit and did thereafter use or authorize the use of the account for the acquisition of goods, services, or cash advances in accordance with the Customer Agreement governing use of that account. Further, Defendant(s) has/have breached the Agreement by failing to make periodic payments as required thereby.

4. The books and records of Capital One show that Defendant(s) is/are currently indebted to Capital One on account number **5291151796513016** for the just and true sum of \$7139.19 as of 07/28/2008, plus interest accruing from said date at an annual percentage rate in accordance with the Customer Agreement, currently 28.10%, and that all just and lawful offsets, payments, and credits have been allowed. The Customer Agreement entered into between the parties also authorizes Capital One to recover from Defendant(s) reasonable attorneys' fees and costs to the extent permitted by law.

098573-2

5. I declare under the penalty of perjury that the foregoing is true and correct and if called as a witness I would competently testify, under oath, thereto.

Given under my hand on:

Dated: 08-04-2008

Sharonda Johnson
Sharonda Johnson

County of Chesterfield, to wit:
Commonwealth of Virginia

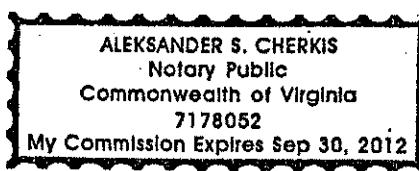
SUBSCRIBED and sworn to before me, the undersigned Notary Public in and for the jurisdiction aforesaid, by Sharonda Johnson, who acknowledged before me his/her signature to the foregoing Affidavit.

GIVEN under my hand and seal this 04 day of August, 2008.

Aleksander S. Cherkis
Notary Public

Notary Registration Number: _____

My Commission Expires: ____ / ____ / 20____



A012
MANN BRACKEN LLC

098573-2

Department of Defense Manpower Data Center

AUG-06-2008 09:09:35

Military Status Report
Pursuant to the Servicemembers Civil Relief Act

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Report ID:STKJZAABJS